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THE UNITED STATES DISTRICT COURT FOR THE MIDDLE
DISTRICT OF PENNSYLVANIA

NORFOLK SOUTHERN RAILWAY COMPANY
Three Commercial Place
Norfolk, Virginia 23510-9242

Plaintiff

v.

ABC NACO INC.
Mifflin County Industrial Park
16 Expansion Drive
Lewistown, PA 17044-9397

Defendant.

1 : CV - 01 - 0704

NO. _____

FILED
HARRISBURG, PA

APR 23 2001

MARY E. D'ANDREA, CLERK
Per gls
Deputy Clerk

COMPLAINT

1. Norfolk Southern Railway Company ("Norfolk Southern") is a corporation organized under the laws of the State of Virginia, having its principal corporate headquarters in Norfolk, Virginia.
2. Defendant, ABC NACO, Inc. ("ABC NACO") is, upon information and belief, a Pennsylvania corporation with its principal place of business at 16 Expansion Drive, Lewistown, PA 17044-9397.
3. Jurisdiction in this matter is based upon 28 U.S.C. § 1337 as a cause of action arising under the Interstate Commerce Act, 49 U.S.C. §§ 10101 *et seq.*
4. Venue lies in this judicial district by virtue of 28 U.S.C. § 1391(a) in that the defendant's principal place of business is in this judicial district.

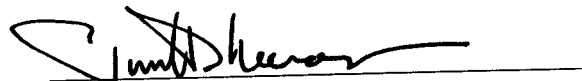
5. Pursuant to an agreement with ABC NACO, from September, 2000 to January, 2001, Norfolk Southern transported freight by interstate rail between various points as a common carrier by rail, including shipments consigned to ABC NACO in Lewistown, Pennsylvania.

6. Despite having agreed to pay for said freight charges, ABC NACO has failed to make full and complete payments for the freight charges that have accrued from September, 2000 to January, 2001.

7. ABC NACO is now delinquent on 48 invoices, with a total amount of charges due and owing to Norfolk Southern of \$133,560.38, together with accrued interest.

WHEREFORE, Plaintiff Norfolk Southern Railway Company demands the following relief under its Complaint:

- a. a judgment against defendant ABC NACO in the total amount of \$133,560.38 for the bills due and owing from September, 2000 to January, 2001, plus interest from the date due;
- b. recovery of its costs, including reasonable attorney's fees if so allowed by the law; and
- c. any and all relief to which it is entitled.



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